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CIVIL WAR VOLUNTEER

OFFICERS' RETIRED LIST

Hearing before the Committee on

Military Affairs, U. S.

January 24, 1913.



CIVIL WAR VOLUNTEER OFFICERS' RETIRED LIST

HEARING

BEFORE THE

COMMITTEE ON MILITARY AFFAIRS

HOUSE OF REPRESENTATIVES

ON

H. R. 9837

A BILL TO CREATE IN THE WAR DEPARTMENT AND THE NAVY DEPARTMENT, RESPECTIVELY, A ROLL DESIGNATED AS "THE CIVIL WAR VOLUNTEER OFFICERS' RETIRED LIST," TO AUTHORIZE PLACING THEREON WITH RETIRED PAY CERTAIN SURVIVING OFFICERS WHO SERVED IN THE ARMY, NAVY, OR MARINE CORPS OF THE UNITED STATES IN THE CIVIL WAR, AND FOR OTHER PURPOSES



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HOUSE OF REPRESENTATIVES.

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CIVIL WAR VOLUNTEER OFFICERS' RETIRED LIST.

COMMITTEE ON MILITARY AFFAIRS,

HOUSE OF REPRESENTATIVES,

Tuesday, January 14, 1913.

The committee met at 10.30 o'clock a. m., Hon. James Hay (chairman) presiding.

There were present before the committee Hon. John A. T. Hull, Gen. Edward S. Salomon, president of the Association of Volunteer Officers of the Civil War; Hon. Isaac L. Sherwood, Col. J. P. Clark, Col. S. L. Glasgow, Capt. A. D. Gaston, member of the committee of the Association of Volunteer Officers of the Civil War; and John McElroy, editor of the *National Tribune*.

The committee had under consideration House bill 9837, introduced by Mr. Sulzer May 18, 1911, which is as follows:

[H. R. 9837. Sixty-second Congress, first session.]

A BILL To create in the War Department and the Navy Department, respectively, a roll designated as "The Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of meritorious service rendered to the Government of the United States in the Civil War for the preservation of the Union, there is hereby created in the War Department and Navy Department, respectively, a roll designated as "The Civil War volunteer officers' retired list." Upon written application made to the Secretary of the proper department, and subject to the conditions and requirements hereinafter contained, the name of each surviving officer of volunteers who served as an officer in the Army, Navy, or Marine Corps of the United States in the Civil War and was honorably discharged from service by muster out, resignation, or otherwise, shall be entered on said list as of the highest rank held by him during said service.

Each surviving officer so entered on said list shall have served in said Army, Navy, or Marine Corps in said war not less than six months, shall not have been retired with continuing retired pay, and shall not belong to the United States Army, Navy, or Marine Corps: *Provided*, That a surviving officer who lost an eye, an arm, or a leg in the line of duty, or who was honorably discharged from service by muster out, resignation, or otherwise, because of a wound or other bodily injury received or incurred in the line of duty, or because of disability incurred in the line of duty while a prisoner of war, shall, if otherwise eligible under the terms hereof, be entitled to be placed on said list, and to receive the maximum retired pay herein provided for officers of his former rank without regard to the length of his said service: *And provided further*, That in computing the length of service of any surviving officer, for the purposes of this act, there shall be included, in addition to his service as an officer of any rank, all such service as he shall have rendered in said war as an enlisted man or as an appointed petty officer. Applications for entry on said Civil War volunteer officers' retired list shall be made in such form and under such regulations as shall be prescribed by the War Department and Navy Department, respectively, and proper blanks shall be furnished for said purpose upon request made to the proper department by surviving officers claiming the benefits of this act. A certificate of service, and of enrollment under this act, properly prepared in the War Department and Navy Department, respectively, shall be furnished to each surviving officer whose name shall be entered on said list.

Surviving officers who served as officers in the Regular Army, Navy, or Marine Corps of the United States during the Civil War, and who were honorably discharged

from service by minister out, resignation, or otherwise, and have not been reinstated in said service nor retired with continuing retired pay, shall, upon application duly made, be entered on said list and receive the same retired pay and other benefits according to former rank and service that are herein provided for surviving volunteer officers.

Subject to the maximum limitation of retired pay hereinafter contained, each surviving officer whose name shall have been duly entered on said list who shall have served as aforesaid in the Civil War a term or terms aggregating two years or more shall receive, out of any money in the Treasury not otherwise appropriated, retired pay according to his former highest rank and former branch of service as entered on said list, which retired pay shall be equal to one-half of the initial active pay now received by officers of like or equivalent rank in the United States Army, Navy, or Marine Corps, respectively; and each surviving officer whose name shall have been duly entered on said list who shall have served as aforesaid in the Civil War a term or terms aggregating less than two years but not less than six months shall receive, out of any money in the Treasury not otherwise appropriated, retired pay, each according to his former rank and aggregate term of service, the amount thereof bearing such proportion to the retired pay herein granted to officers of the same rank for two years service as the aggregate term of service bears to said term of two years. The retired pay provided for by this act shall begin upon the date of the passage of this act and continue during the natural life of the beneficiary. It shall be payable quarterly and shall not exceed, in the case of any surviving officer, three-fourths of the initial active pay now received by a captain in the United States Army.

Each surviving officer who shall receive retired pay under this act shall thereby relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment of such pension made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment or payments under this act. The retired pay allowed under this act shall not be subject or liable to any attachment, levy, lien, or detention under any process whatsoever; and persons whose names are placed upon said list shall not constitute any part of the United States Army, Navy, or Marine Corps.

STATEMENT OF HON. JOHN A. T. HULL, OF DES MOINES, IOWA.

Mr. HULL. Mr. Chairman, this is a subject that you and I, at least, are very familiar with, as we have been investigating it for a great many years. I am very sorry there is not a more general attendance of other members of the committee in order to at least start their minds along the line of investigation, if they have not already fully informed themselves in the matter. There has been absolutely nothing done, so far as the officers of the Civil War are concerned, as a body, since the close of the war. There has been a great deal of exceedingly liberal legislation, so far as the Volunteer Army is concerned, and, judging by our past action in wars that were of vital importance to the country, it seems to me as though the time is here when the brave deeds of the Civil War Volunteer officers should have recognition, not in a munificent way but at least in as great a measure as is carried in H. R. 9837, and in the Senate bill introduced by Senator Townsend, which is on exactly the same lines. I know a great many might say that we should grant no additional compensation to the officers, as they were merely civilians engaged in defending their country, and the mere question of rank did not count. But rank always has counted in the armies of the world and has always counted in the Armies of the United States. It counted in the Revolutionary War, in the War of 1812, and in the Indian wars; and it also counts in all enterprises of civil life.

While rank always counts, in 1861 Congress passed an act that the officers and noncommissioned officers and privates of the Volunteer forces shall in all respects be on at least an equal footing with the Regular Army.

I know that this is claimed to apply to these officers and enlisted force while they were in the service, but it has not applied to them all these years after the war, and that contention would to my mind be logical if it were not for one fact, and that is that some years ago the Congress of the United States passed an act by which they gave to the men who served in the Army, Navy, or Marine Corps during the Civil War, or in any service as volunteers, and afterwards entered the regular service, the same status on retirement as members of the Regular Army, a full grade on retirement, and they made it apply not only to those who should retire, but to those who were already retired, and gave them an additional grade on the retired list. Now, that means simply recognition of Volunteer service, because these men have been in the Regular Army since. Since the Civil War they have been cared for by the Government month by month and year by year, and the Congress of the United States simply recognizes the services to the Government during this time by giving them an additional grade, which carries at least three-fourths of \$1,500 some grades, the highest is three-fourths of \$1,500. Now, the men that served less than 30 days receive \$500, and here are men that served, many of them, three years or over, who have been in civil life ever since, relieving the Government of all expense and care of them and their families, making their own homes; and now, having three years' service in the Civil War to their credit, they ask Congress for the small amount which this bill carries, and which in the highest grade will be only one-half of the pay of a captain in the Army.

The CHAIRMAN. Oh, I think not.

Mr. SALOMON. Three-fourths of the initial pay.

The CHAIRMAN. What bill were you referring to?

Mr. HULL. H. R. 9837.

Mr. SALOMON. It will be one-half of their pay, but it must not exceed three-fourths of the initial active pay received by a captain in the United States Army.

Mr. HULL. The colonels are the only ones that could possibly come up to that. The captains and majors would not average much, if any over one-fourth of the initial pay. Now, as I say, Congress, in my judgment, will simply be doing an act of duty and partial justice if they give the Volunteer officers this recognition. In many cases it will be a recognition that will make much more pleasant the declining years of these officers, one or two of whom I have met in the homes who had high commands in the Civil War, but above all it will put them on a roll of honor that will give to them and to the generations to follow them an official status that these men were officers in the civil war and served there during that period.

The CHAIRMAN. How many of these officers are there?

Mr. HULL. I am not able to answer that, but I should imagine that the total cost under this bill would not exceed \$6,000,000.

Mr. SALOMON. Between five and six millions. There are only about 12,000 officers alive now. When the agitation for this commenced there were 25,000 of them, but there are only about 12,000 left.

Mr. HULL. I want to say further than this, that as far as the Government is concerned, the private soldier is now receiving more than his full pay at the time he was in active service, and it seems to me that the Government, if it intends this act to benefit many of the

officers, must pass it in the near future. I have no doubt that this act will pass the Congress of the United States, but it may be that Congress will wait until some time in the future, and it has gotten to the point now where it seems to me if you are going to do anything for these old officers of the Civil War it must be done at once, and what they are asking for is very little for the service they performed.

Gen. Salomon is more familiar with the bill than I am and I want you to hear from him, but I just want to say that these reports we have been making from year to year—the report made last year, for instance—are away off as to the cost to-day, because the gap is widening in the ranks of the officers more rapidly than most of us can think of. They are dropping off more and more rapidly every year, and it will not be many years until these officers will be all gone. They are older than the privates, as a rule, they had greater responsibilities, and they are passing away with greater rapidity.

Mr. HAMILTON. I would like to ask you a question, if you will. Here is another bill, which seems to be exactly the same as the Sulzer bill, with a short proviso there. [Showing bill to Mr. Salomon.]

Mr. SALOMON. But our bill does not interfere with that at all. We are very heartily in favor of this bill, and it does not interfere with the Sulzer bill at all; in fact, it is identical with the exception of the proviso.

They get their pensions just the same. I think if they are entitled to the pension now the passage of this bill would not affect the status of the widow after the death of the officer.

Mr. HAMILTON. You would not object to that proviso, would you?

Mr. HULL. No; I think it would be outrageous if they did not have the same status that they have now. Of course, if this bill passes, there are some of the officers of the Army whose pensions are greater by special act of Congress than they would be under this bill, and the result is that they would not go on the roll, in my judgment, but for the majority of them it would be an increase over what they are now getting.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, January 24, 1912.

HON. HENRY E. BURNHAM,
United States Senate.

MY DEAR SENATOR: In response to your letter of yesterday, in which you ask for information with regard to the number of volunteer officers from 1861 to 1865 who were promoted to be commissioned officers inside of two years after enlisting and then denied the bounty promised them by the Government, which information is desired by the National Volunteer Officers' Association, through a member of its national committee, Capt. Gaston, of the Senate, I beg leave to advise you as follows:

No compilation from which the information asked for by you can be obtained has ever been made by the War Department, and to make such a compilation would require an examination of the records of every one of the many thousands of volunteer officers in service during the whole period of the Civil War. Of course, it is impossible to undertake such a great task as this would be.

Many bills providing for the payment of bounty withheld from enlisted men who were promoted to be commissioned officers during the Civil War have been introduced in Congress. Among these is a bill (H. R. 10493, 55th Cong., 2d sess.) providing "that all soldiers of the war of 1861 who were commissioned as officers shall receive bounties the same as if not commissioned." I inclose herewith a report on that bill that was prepared in the War Department in anticipation of a call of the committee therefor. However, no call for a report on the bill before referred to was received. Please return that report to me when you have looked it over.

Very respectfully,

F. C. AINSWORTH,
The Adjutant General.

FOR THE PAYMENT OF BOUNTY AND THREE MONTHS' EXTRA PAY PROPER TO CERTAIN ENLISTED MEN PROMOTED TO BE COMMISSIONED OFFICERS DURING THE CIVIL WAR.

The object of the pending bill is, apparently, to authorize the payment to men who enlisted during the Civil War for not less than three years and were promoted to be commissioned officers of the bounty of which they were deprived by such promotion, and also the payment to enlisted men who were promoted to be commissioned officers after March 3, 1865, of the three months' extra pay proper which was allowed to officers of the same grade mustered in as such previous to that date.

By the act of Congress approved July 22, 1861, authorizing the payment of a bounty of \$100 to men enlisted under its provisions, it was made a condition of payment that the soldier should serve a period of two years, or during the war if sooner ended. Subsequently it was provided that \$25 should be paid in advance, the remainder to be paid at the end of the term of enlistment, but by act of March 3, 1863, it was required that the amount advanced should be stopped from the soldier's pay if he did not serve the time requisite under the law to entitle him to the full bounty, unless his discharge was by reason of wounds received or disease contracted in service.

War Department General Orders No. 191, of 1863, authorizing the enlistment of veteran volunteers, provided that the bounty of \$400 promised to men enlisted under its terms should be paid in installments, and the act of July 4, 1864, authorizing the payment of \$300 bounty contained the same provision.

It will thus be seen that it was the intention of Congress and of the War Department that the promised bounties should be earned by service in the ranks before they became payable. Bounties were provided for enlisted men only, and when an enlisted man was discharged to accept promotion he forfeited all bounties that had not accrued and become payable prior to or at the date of his discharge. When he accepted a commission, he entered into a new contract with the Government, assuming new and increased responsibilities, for which he received a higher rate of pay and allowances. To now add to his compensation the bounties he did not earn by service as an enlisted man would be in effect a declaration that his pay as an officer was insufficient and disproportionate to the service rendered in the higher grade to which he was promoted and would be equivalent to an increase of his pay as an officer. In this respect it would be a discrimination against officers, both of the Regular and Volunteer forces, who were not promoted from the ranks.

Section 4 of the act of Congress approved March 3, 1865, granted three months' pay proper to all officers of Volunteers then in commission below the rank of brigadier general who continued in service to the close of the war, and the act approved July 13, 1866, construed section 4 of the act of March 3, 1865, so as to extend its benefits to all officers of Volunteers below the rank specified therein who were in service on the 3d day of March, 1865, and who were honorably discharged from the service after the 9th day of April, 1865.

The act of Congress approved July 3, 1884, further extended the benefits of section 4 of the act of March 3, 1865, to the heirs and legal representatives of all officers of Volunteers below the rank named therein "who were killed or who died in the service between the 3d day of March and the 10th day of April, 1865."

The pending bill proposes to still further extend the benefits of the original act to all men who were in the service on the 3d day of March, 1865, as noncommissioned officers or privates, and who were subsequently promoted and mustered as commissioned officers. With regard to this provision, it is to be remarked that the law as it now stands provides for the payment of the three months' extra pay proper only in the cases of officers who were in the service as such on March 3, 1865, and continued to serve as officers until April 9, 1865, inclusive, or "were killed or who died in the service" between March 3, 1865, and April 10, 1865; whereas the pending bill provides for the payment of such extra pay to enlisted men who were promoted to be commissioned officers after March 3, 1865, whether or not they continued to serve to April 9, 1865, inclusive; thus discriminating in favor of such of the latter class as were discharged from the service on or before April 9, 1865.

The views of this office in regard to the intent of the law granting the three months' extra pay proper are set forth in a letter of which the following is a copy:

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington, March 12, 1890.

Hon. S. A. NORTHWAY, *House of Representatives.*

SIR: In returning herewith the letter, left by you at the department this morning, of E. J. Ohl, of Mineral Ridge, Ohio, who desires you to introduce a bill in Congress with a view to giving to officers who were not commissioned until after March 3, 1865, the three months' pay proper which was granted by the *act* approved on that

date to all officers then in commission below the rank of brigadier general who continued in service until the close of the war, I have the honor to advise you as follows:

Your correspondent is in error in assuming that the three months' extra pay referred to by him was granted with a view to compensate those to whom it was given "for the extra expense they had to go to." The intent of the act of March 3, 1865, is understood to have been to induce trained and experienced officers to remain in service to the close of the war, and thus to obviate as much as possible the necessity of accepting new and inexperienced officers into service. It evidently was not the purpose of the act to encourage enlisted men to assume the responsibilities of commissioned officers, and for this reason, doubtless, it did not make any provision for persons who might be commissioned after it went into effect.

Very respectfully,

F. C. AINSWORTH,
*Colonel, United States Army,
Chief Record and Pension Office.*

It is impossible to determine accurately either the number of the beneficiaries under this bill, or the cost of carrying the proposed legislation into effect, for the reason that to do so would involve the examination of the record of every volunteer commissioned officer in service in the War of the Rebellion, but after an exhaustive investigation of the subject it is estimated by this office that, should this bill become a law, about 53,000 soldiers, or their heirs, would be entitled to bounty, amounting to about \$6,500,000, withheld from them by reason of promotion. No reliable estimate can be given of the number of enlisted men promoted to be commissioned officers after March 3, 1865, but the number is probably not very large.

Respectfully submitted,

Chief Record and Pension Office.

The honorable the SECRETARY OF WAR.

[Telegram.]

Gen. L. E. S. SALOMON,
Metropolitm Building, Washington, D. C.:

Can not be at meeting. Special assignment in court. Highly approve of bill. Hope it will pass and then justice will be done to volunteer officers. Every consideration demands its passage. Urge it with all your power.

ALFRED B. BEERS. 

MINNESOTA STATE FORESTRY BOARD,
St. Paul, Minn., December 18, 1911.

Capt. A. D. T. AXSCE.

Metropolitm Bank Building, Washington, D. C.

DEAR SIR: I think there are not over about 200 Civil War officers now living in Minnesota who would be affected by the retired pay bill.

Very truly yours,

C. C. ANDREWS,
*Formerly Colonel Third Minnesota Regiment Volunteer Infantry,
Brigadier and Brevet Major General United States Volunteers.*

AFFECTS MINNESOTA VETERANS. 1,000 WOULD BENEFIT BY PENSION BILL FAVORABLY REPORTED.

[Pioneer Press Washington Bureau.]

WASHINGTON, December 17.

Approximately 1,000 veterans of the Civil War, residents in Minnesota, are beneficiaries of the Winslow bill, ordered reported to-day by the Senate Military Affairs Committee, which proposes to place on the retired list, at half pay, men who served as officers in volunteer regiments in the sixties. This measure has been pending for a number of years, and every effort will be made to pass it at this session. It stands only a fair chance of going through.

The bill provides that the officers who receive allowances under the proposed law shall relinquish pension payments they may be receiving under the authority of other laws. The bill was reported to-day by Senator Brown of Nebraska. He will try to have it passed by the Senate when Congress reassembles after the holiday recess.

STATEMENT OF HON. ISAAC R. SHERWOOD, A REPRESENTATIVE IN CONGRESS FROM THE NINTH DISTRICT OF OHIO.

Mr. SHERWOOD. I was a member of this committee in the Sixtieth and Sixty-first Congresses, and I suppose I bothered the committee about as much as any other Member on this question; and you remember that we did secure a majority vote on a bill that contained the main features of this bill in the Sixty-first Congress. The bill went on the calendar but was never brought to a vote. Now, I think my companion has estimated the number rather too high. From the best information I can get there must be somewhere between nine and ten thousand officers of the war living to-day. According to the very best statistics we can get, the average age of an officer was from five to six years older than that of the private soldier. We have recognized in our legislation in this committee and in the Naval Committee and in other committees—the Judiciary Committee—the idea that the cost of living has been increased about 33 per cent in the last eight years, and we recognized that fact by increasing the salary of the President; in the bill by which we increased the pay of the Regular Army about 10 per cent; we increased the pay of the officers of the Army who were drawing \$6,000 or \$7,000 a year, about \$500. We increased the pay of the Navy 10 per cent, and we increased the pay of the judiciary and the Cabinet officers. Now, the old soldier has to buy what he has to live on in the same market as a millionaire Member of Congress. This is not a question of the high cost of living; it is a question of whether, having passed a bill to increase the pay of the private soldier, which includes about 430,000, we shall carry it to the officers. You remember, about 40 years after the American Revolution, Congress passed a law retiring for life every officer and every private of the War of the Revolution, everyone who served in the Continental line for two years. That was with full pay for the officers and privates. Five years later, in 1833, as I remember, they passed a law retiring officers of the militia and the men—everyone who participated in that war for two years, off and on, retired on full pay. Now every country in the world recognizes the difference between the officer and the private. We do that. We retire our Regular Army officers at the age of 64. Not 5 per cent of these officers ever saw any battle service. There is no question ever raised as to the cost. Now, here is a body of men, every one of whom has seen service—and hard service—and this is a question of whether we shall recognize merit and service in the legislation of Congress. I do not want to occupy the time of this committee unnecessarily. The question has been thoroughly covered by the gentlemen who have preceded me; but I want to say a word as to the cost of this bill. What is your estimate of the cost, Capt. Gaston?

Capt. GASTON. The estimate given me by those figuring on it runs between \$5,000,000 and \$6,000,000.

Mr. SHERWOOD. It will cost less than half of one of these useless battleships, and the money will be distributed among all the people.

Mr. SALOMON. Mr. McElroy, editor of the National Tribune, is here, and we would like to hear him.

The CHAIRMAN. We will hear from you now, Mr. McElroy.

STATEMENT OF MR. JOHN M'ELROY, EDITOR OF THE NATIONAL TRIBUNE.

Mr. McELROY. As an enlisted man of two and a half years' service, and as, in a certain sense, a representative of the enlisted men of the country, I come here to make an appeal for what I think is justice to our officers. Now, without doubt the enlisted men of the United States Army would be glad to see their old officers properly recognized and rewarded by this Government. It is a mistake to assume that any considerable number of the enlisted men are opposed to this act of justice. There are grumblers. At the siege of Troy they had their Thersites, and in every camp since they have had them, but you will remember that the Thersites in the old Grecian war did not do any fighting, and the Thersites of to-day is no different. There are comparatively few of them, the great body of the men feeling strong pride, affection, and interest in their old officers. In my work I have an opportunity of knowing public opinion pretty well among the men, and I always judge of a man, whether he was a good soldier or not, by the way he speaks of his officers. A man who was a good soldier holds his officers in high esteem, much higher esteem than you gentlemen, possibly, who were not in the Army, can appreciate. He has seen his officers lead him forward in battle; he knows what sacrifices they have made; he knows the care they have taken of their men, and he has a very strong affection for his old officers, and in fact goes to the extent of idealizing them. I should hate to see my old major here and find him as commonplace as the majors and colonels I meet nowadays. When I knew him I thought he carried the whole science of war in his scarf knot, the whole practice of it in his dagger sheath. I thought he was the greatest man that ever lived, and all old soldiers feel that way toward their officers who were really officers.

It is to the glory of our American manhood that we had such officers to lead us. We are proud of our achievements and of our officers who led us in the war. This is not a pension question. It has been a very ill-advised effort that has brought this officers' bill into any relation or connection with the pension question. It is a matter of absolute justice to the men who, by their soldiership, by their great devotion to their country rose to the rank of officers, and I want to assure you gentlemen if you do this act of justice, which, as Gen. Sherwood has said, is something that pertains all over the world, and is felt absolutely necessary to a military hierarchy in all the countries of the world—if you do this act of justice to the officers you will find that it meets the approval of the great mass of Union veterans. We had a very superior class of officers. The more you study the war, the more you are impressed with the intelligence and the devotion and all the other qualities which adorn the highest manhood, and which were found so generally in the officers who led the Union troops during the war. I believe that is all I have to say, and I thank you for your attention.

Mr. SALOMON. Mr. McElroy brought out something which causes me to read this telegram from Mr. Alfred B. Beers. Some of the Members and Senators have asked the question how this would affect the enlisted men, and that there was some opposition to this bill by the enlisted men. I telegraphed and wrote to the commander in chief of the Grand Army of the Republic, who is supposed to know

more about the Grand Army than anybody else, and he replies as follows:

Gen. L. E. S. SALOMON,
Metropolitan Building, Washington, D. C.:

Can not be at meeting. Special assignment in court. Highly approve of bill. Hope it will pass, and then justice will be done to Volunteer officers. Every consideration demands its passage. Urge it with all your power.

ALFRED B. BEERS.

And I want to say here that so far as that feeling is concerned—that is, out on the Pacific coast—there is no such feeling. I have been elected commander of my post now 11 times, and whenever I am away from home they always elect me commander, and I am the only officer in the post; the others are all enlisted men, and whenever I am not in town they elect me commander.

The CHAIRMAN. Whom will you have next, General?

Mr. SALOMON. Well, Capt. Gaston has some things that he would like to bring to the notice of the committee.

The CHAIRMAN. Very well, we will hear you, Capt. Gaston.

STATEMENT OF CAPT. A. D. GASTON, MEMBER OF THE NATIONAL COMMITTEE OF THE ASSOCIATION OF VOLUNTEER OFFICERS OF THE CIVIL WAR.

Capt. GASTON. Here is a letter that came into the office in the course of business, addressed to me, from St. Paul:

Capt. A. D. GASTON,
Metropolitan Bank Building, Washington, D. C.

DEAR SIR: I think there are not over about 200 Civil War officers now living in Minnesota who will be affected by the retired pay bill.

Very truly yours,

C. C. ANDREWS.

*Formerly Colonel Third Minnesota Regiment Volunteer Infantry,
Brigadier and Brevet Major General, United States Volunteers.*

Now, there has been a great deal said about the number of officers living to-day. I think the national committee having this matter in charge have as complete a list, a mailing list, as there is to-day. When Chairman Nettleton was alive, the first thing he did was to correct mistakes of the mailing list that we had at that time, and that has been done up to the present time, and I had it corrected just before the chairman came on from San Francisco. Now here is a bill that I paid for 7,000 copies of Senator Townsend's bill, and we also had 7,000 copies of the hearings, and we mailed out about 8,000 of them in envelopes that required them to be returned, or we had notice of the receipt. We have in our office to-day over 200 of those that have been returned since last June, and that does not include the States of California, Oregon, Ohio, and Pennsylvania. Here is a matter that I do not think has ever been presented.

The CHAIRMAN. How many officers are there?

Capt. GASTON. Our list shows that we have gotten something in the neighborhood of 8,000. That is the extent of our mailing list. The list covers Canada, Germany, and every State in this country. This receipt shows 7,000 copies printed.

Here is a matter that came into my hands in an official way and has never been published. I requested Senator Burnham to make a

request for some evidence in relation to the bounty that was promised volunteer officers in 1861, \$100 bounty, which is on the statute books to-day, and I will quote here just a paragraph and file the papers, and you can look them over further. This is an official communication from the War Department dated January 24, 1912, inclosing a report by Hon. S. A. Northway. The extract from the report that I refer to says; I quote from the report of the Hon. S. A. Northway of March 12, 1896: "About 53,000 soldiers, or their heirs, would be entitled to bounty amounting to \$6,500,000 withheld from them by reason of promotion." That is an official paper, gentlemen.

Mr. HELL. If the Chairman will permit me to ask a question. On the question of your mailing list, my understanding is that an active force is getting the number of living officers as furnished by the Loyal Legion, and that the membership of the Loyal Legion has aided the committee in finding in every State and locality every officer who might not be a member of the association. The official report of November 30, 1912, of Col. John P. Nicholson, recorder in chief of the Loyal Legion of the United States, of all members living as original or of war service, which includes those of the Regular Army, is 4,248.

The national committee concede that of 10,620 volunteer officers now living and eligible under this bill, two-fifths are now members of the Loyal Legion.

Other and later data from the recorder in chief, Col. John P. Nicholson, will be procured and submitted by Chairman E. S. Saloman.

Capt. GASTON. General Nettleton had a list compiled from data furnished at his request through each State headquarters of the Grand Army of the Republic, compiled from reports furnished by the several G. A. R. posts throughout each State, and considered these reports as correct as possible to be made then and up-to-date, by careful corrections, either by additions and loss by death; and we brought it down to date and did the very best we could to reach everyone, and every man I can find is on that list. And these papers have gone out; the committee furnished 500, and that made 7,500, and that was sufficient to answer our mailing list.

The matter referred to is as follows:

I respectfully contend there was no law for the withholding of these bounties.

By the act of Congress approved July 22, 1861, authorizing the payment of a bounty of \$100 to men enlisted under its provisions, it was made a condition of payment that the soldier should serve a period of two years or during the war if sooner ended.

There is no part of this act of Congress that can justly claim the soldier should be required to serve as a private soldier in the ranks for two years in order to secure payment of this bounty of \$100, or that the bounty would be forfeited should he accept promotion from the ranks within two years.

Many soldiers had seen active service under an early enlistment. Their company's regimental officers found them worthy of promotion before having served as a private two years, in many cases recommended their promotion to other commands being recruited and sent again to the front, serving continuously for two, three, and four years, not all the time as privates, but as officers with greater responsibilities, expenses, and dangers.

The three months' extra pay proper could not be in any manner construed as a bounty. This was in March 3, 1865, continuing to serve as officers until April 9, 1865, near the close of the war.

I quote from the report to Hon. S. A. Northway under date of March 12, 1896: "About 53,000 soldiers, or their heirs, would be entitled to bounty, amounting to \$6,500,000, withheld from them by reason of promotion."

This vast amount of bounty money promised was absolutely taken from hard-earned and greatly depreciated moneys, not by any act of Congress, but by an arbitrary ruling of the War Department.

It is believed by the volunteer officers living, could the facts be secured from the War Department records, the amount of bounty promised, but withheld, as above stated, would be greater than the amount required to make first payment under Townsend-Sulzer bills, known as the "Volunteer officers' retirement legislation."

Respectfully submitted.

A. D. GASTON.

Mr. SALOMON. Col. Swoods, of New York, was one of our correspondents, and at one time a member of our national committee. He had a list of 81 or 82 officers to whom he supplied our literature when we sent it to him. He did not receive any for two years, and about two or three months ago we sent him some literature to be distributed among these 80 or 81 survivors, and 38 of them were returned. Out of the 80 or 81 living two or three years ago, only 42 remained. So we are dying off pretty fast, and if this honorable committee and the House of Representatives do not move very fast father time will get ahead of them and there will not be any necessity of moving, and I hope, gentlemen, you will see it in that light and take early action.

STATEMENT OF EDWARD S. SALOMON, PRESIDENT OF THE ASSOCIATION OF VOLUNTEER OFFICERS OF THE CIVIL WAR.

Mr. SALOMON. There are several gentlemen here, and I would like to hear from Gen. Sherwood, who is familiar with this subject. The time has arrived, it seems to me, when it has become urgent to act upon this matter. We have been talking for the last six or seven years, and when this agitation first commenced there were about 25,000 officers living. One-half of them have passed away, and there are not over 12,000 now. Different amendments have been suggested from time to time to the bill, and as it has been thus delayed from year to year half of the men have died. If the same tactics of postponement prevail in the House and Senate there will in the near future be no necessity for the bill, because there will be none living to claim its benefits. I am one of the youngest and I am 76 years of age. What we are asking for is not charity, it is justice; it is based upon the promises made by Abraham Lincoln and by Congress during the time of the Civil War. We had implicit faith in what this great Government promised us; we had implicit faith that those promises would be kept. The War of the Rebellion demonstrated one fact to the world, and that is that America is not only one of the great powers of the world, but the greatest military power of the world. And that applies to the armies of the North and the South.

When I glance upon this picture here [indicating painting of Grant and Lee at Appomattox], where the two greatest military geniuses of the age look upon us, I can say that the war, regardless of the result—and more by that result—has demonstrated to the world that we are the greatest military power on earth. I remember not very long ago there was a German man of war in the harbor in San Francisco, and I happened to meet some of the officers, and we were discussing the Civil War, and the French and German war. One of the officers, a young officer, said:

"It is true you have a great fighting power; you are very good, strong military men, but you have no organization. If we from

Europe would come here on the Atlantic coast with 500,000 soldiers well drilled and officered and equipped, we could take that whole coast and march right into the country." I said: "That is true, you might come over and you might land, and you might start and march into the country, and you might get as far as the Alleghanies, but mark my word, not one of you would ever return," and they admitted, by looking into history, that that was true. Now, this great military power has been made by the men of the North and South, and by the officers who commanded, directed, and led their troops into action. An army without officers would be useless. A force of 10,000 men commanded by good military officers, men who understand their business, will scatter 100,000 men without officers in so short a time that the 100,000 would not know what happened. It is absurd for anyone to say that officers are not entitled to any more than the enlisted men. They were entitled to more during the war; more was expected of them. They were responsible for the actions of their men, for the success of the Army. If any mistake was made the officers were blamed, the privates were not. Now they come here to ask at the hands of their Government justice and right. They ask it humbly as something that has been promised them - I repeat, promised them by Abraham Lincoln, a roll of honor to be established, that their children and children's children might say that their fathers fought for this country, for the unity of it, for the greatness of the Nation.

It may be proper to mention here that nearly three-fourths of the surviving officers of the Volunteer Army rose to their respective positions from the ranks and gained their shoulder straps on hard-fought battle fields.

While saying nothing against the gallant young officers of the Regular Army, I call to your attention the fact that while these officers received their military education at the expense of the Government at West Point and Annapolis these sturdy Volunteer officers had their military education and instructions on bloody fields to the music of shot and shell, and through their prowess, gallantry, and indomitable courage gained the rank in which they ask you to maintain and recognize them.

And now, gentlemen, as your time is short, I will refer you to the reports that have heretofore been made. Mr. Prince, of your committee, has made a most exhaustive and elaborate report on this subject. He goes into every detail. He goes into the cost and into every item of importance, and the information you will get from this will convince you that we ask for simply what is due us.

The time until the 4th of March is short. I get letters, as the chairman of this committee, by the hundreds from all parts of the country, and as the 4th of March is only a few weeks away, if Congress does not do justice to us this time we will give up the fight, for we will believe that they do not intend to recognize us. The cost is now trifling. Next year it will be less, and the following year it will be still lower, and in four or five years it will be a very small item, and in 10 years from now there will be nobody left to claim the benefits of the bill.

Mr. SHERWOOD. What will be the cost of it now?

Mr. SALOMON. Not to exceed \$6,000,000. The officers receive the same pension now as the enlisted men, and they have to relinquish

that if we receive this recognition as Army officers. This is not a pension bill. This is a bill that asks for the recognition of these officers, and the report of Mr. Prince and the statements made at the hearing before the subcommittee of the Senate, of which all of you gentlemen will receive a copy, will show you that we are acting on promises that were made to us, and that we are simply asking that these promises be carried out. We have waited 50 years now, and we do not want to wait 50 years longer. In 1828 and 1832 the Congress of the United States recognized the services of the officers of the Revolutionary War and granted them full pay. Then, at a later date, I do not remember the exact date, they restored even their pension to them in addition to the full pay. Now, since then this country has grown to a magnificent state. It is the greatest country in the world. We are the greatest, the wealthiest, people in the world, and do not let us stand behind, or fall behind, the generosity and justice and right that was exercised by our predecessors as much as 75 or 80 years ago.

I would have a great deal more to say, but I will refer you to the hearing before the subcommittee of the Senate, where the matter was very fully discussed, having had more time on that occasion, and also to the very exhaustive and splendidly written and conceived argument of Gen. A. B. Nettleton, who was my predecessor as chairman of this committee, and to the argument of Gen. Raum, who preceded Gen. Nettleton. There seems to be a sort of fatality connected with the chairmanship of this committee, as they both died last year, and then I, while in the discharge of my duties, was struck down and was very sick for four months. I am ready and willing to die, but I do not want to die until this bill is passed. I would like to march an army of these men up here, but you are threatened now, as I see by the papers, with an army of women, and I do not want to interfere, or else I might have brought these soldiers up here to try to convince you by force of numbers if we can not do so by argument.

Now, when I look at this picture [Grant and Lee], it calls to my mind the wonderful development as soldiers of the American citizen. And the honors were easy. They were entitled to as much praise and credit on the Southern as we were on our side. I stood on the bloody field at Gettysburg on the days of that great battle. I saw that most wonderful charge of Pickett's Division, with which the charge of the "Six Hundred" at Balaklava, the charge of the Old Guard under Gen. Carbonnier, and Marshal Ney's imperious attack upon the English squares at Waterloo compared not at all and fade into insignificance. I saw those men charge up to the mouths of the guns time and time again with such a wonderful exhibition of bravery that it challenged the admiration of the world as something that had never been seen before and never will be again in warfare, and if they were here, those brave men who fought against us, they would say with one word: "If we had not had the men to lead us, if we had not had the word of command of those who led us into those fiery redoubts, we would not have been able to do it; we would have been compelled to fall back after the first attack." The officers were the men that kept them together, backed up by the bravery of the individual soldier. And so it is in every Army, that officers, have always been recognized. Superior qualifications and greater

and more important duties are recognized now in commercial institutions, in railroad companies, and all great corporations. Great commercial corporations pension their men, and you will not deny that the man who has held the higher position should not have the higher pension. And this is more true in military affairs than it is in civil life.

Referring you again to this document, of which you will receive copies, I will withdraw and ask my friend Gen. Sherwood to say a few words.

Mr. HAMILTON. I am interested in this bill and I would like to ask you a question. Did not these soldiers volunteer under an expressed promise, not the same as regular soldiers?

Mr. SALOMON. That was by statute in 1862.

Mr. HAMILTON. The one which authorized the call of the volunteers?

Mr. SALOMON. Yes, and Abraham Lincoln in a proclamation said they would be treated the same as the Regular Army officers, and Congress enacted a law which you will find quoted in Mr. Prince's report. The promises to the enlisted men have been kept, but the promises to us have not, and as I said, if it is much longer delayed, there won't be any necessity of keeping it at all, and I hope you gentlemen will see the justice of our claim and not delay us any longer.

STATEMENT OF COL. J. B. CLARKE, WASHINGTON, D. C.

Col. CLARKE. Mr. Chairman and gentlemen, the subject of H. R. 9837 has, it appears to me, been gone over very fully during the past seven years' agitation before Congress, but there are a few points that I might mention. I was one of the youngest officers that went into the Civil War. There was but one other officer in my regiment younger than myself, and he died several years ago. I am 67 years old. I mention this to show that the officers who would be benefited by the passage of this bill are now at least 67 years old. I understand the average age to-day is 76 years. When the Civil War broke out this Government needed men and needed officers and we went into the service in large numbers and you are all familiar with the result. At the time many of them went in they left college or school, and in that way lost the opportunity of being educated that they would have had had they remained at home. I do not know as I ought to say that in my own case. I was born and raised in the same county with one of our distinguished Senators, in fact two of them, who have both been in the Senate for many years and are still members. One of them served for nine months in the Civil War and was awarded the congressional medal of honor for gallantry on the battle field. I have looked upon this legislation as something that was due the officers of the Civil War and had expected that long before this time legislation would have been enacted that would carry out fully the promises made by Congress in 1861, and by Abraham Lincoln, then President of the United States, who on two different occasions, when issuing calls for 300,000 troops, the pledge was made by him that volunteer officers should be placed upon an equal footing in every way with the Regular Army. I believe that under the promises made by President Lincoln and the Congress of 1861 that the volunteer

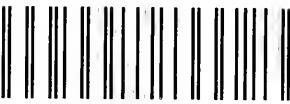
officers of the Civil War would be entitled to retired pay at the full amount from the date of their discharges up to the present time.

If that was given I would have something like \$65,000 coming to me up to the present moment back pay; but we do not ask that. We do not ask even to be placed upon the retired list on an equal footing with the Regular Army officers. We are satisfied and will be satisfied with the present bills that are before the House and the Senate, which gives us one-half pay instead of three-quarters; neither do we ask that it date back to the date of our discharges, but that it date from the passage of the bill, which would give us a very small per cent as compared with what I believe we are justly and legally entitled to. I do not think there are over 7,000 officers that will be benefited by this bill. Their average age, as I stated before, is about 76 years. You all must agree that when a man, who endured from two to four years of Army life hardships as experienced by them in 1861 to 1865, lives to be 76 years old, there is not much likelihood of his remaining on this earth much longer.

Mr. SHERWOOD. What are your figures on that basis of 7,000, and taking age and length of human life into consideration, what is your estimate of the cost of this bill?

Col. CLARKE. Deducting the pensions now paid probably \$6,000,000 for the first year. I estimate it will shrink at least one-fifth after the first year, one-sixth of the remainder the second year, and following the second year will be rapidly reduced, and in 10 years I estimate there will not be enough of the officers alive to make it noticeable by the payments they would receive. Gentlemen, we do not come here to ask for anything but what we believe is right and just to the surviving officers of the Civil War who rendered valuable service to their country in its time of need and notwithstanding our salaries were exceptionally small and that we were paid in a depreciated currency worth about 40 cents on the dollar, we took it and made no complaint; we never have made any complaint. We never have complained, even when a precedent of this our present request was made and established by Congress, in placing at least two volunteer officers on the retired list several years ago with full pay and allowances of retired officers, and I believe with an advance of one grade above what they had during the Civil War. We come to you at this late day believing that by law and all the rules of right and justice we are entitled to what we ask for (and more), but we will be satisfied with that, and will ask God's blessings upon this committee if they recommend the immediate passage of this bill.

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